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## VITO AIUTO

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JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

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Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

## R E P O R T

[To accompany H. R. 3071]

The Committee on the Judiciary, to which was referred the bill (H. R. 3071) for the relief of Vito Aiuto, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

### PURPOSE OF THE BILL

The purpose of the bill is to enable a former citizen of the United States to regain his United States citizenship, which was lost through residence abroad.

### STATEMENT OF FACTS

The beneficiary of the bill was born in Italy on November 16, 1885, and came to this country in 1903. He was naturalized in Detroit, Mich., in 1912. He has resided in Italy since 1930, and thereby lost his citizenship under the provisions of section 404 (a) of the Nationality Act of 1940.

A letter dated October 1, 1951, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General, with reference to the case, reads as follows:

OCTOBER 1, 1951.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 3071) for the relief of Vito Aiuto, an alien.

The bill would provide that Vito Aiuto, who lost United States citizenship under the provisions of section 404 of the Nationality Act of 1940, as amended, may be naturalized by taking prior to 1 year after its effective date before any court referred to in subsection (a) of section 301 of the Nationality Act of 1940,

as amended, or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 335 of the above act. The bill would further provide that from and after naturalization under this act, Mr. Aiuto shall have the same citizenship status as that which existed immediately prior to its loss.

The files of the Immigration and Naturalization Service of this Department disclose that Vito Aiuto was born in Trapani, Italy, on November 16, 1885. It appears that his first entry into the United States was made at the port of New York, on September 1, 1903, on the vessel *La Patria*. He subsequently returned to Italy in 1919 and was there married. He and his wife returned to the United States in 1920 and remained in this country until 1930, at which time they returned to Italy, where his wife died in 1945. Mr. Aiuto subsequently remarried and has resided in Italy since that time.

It appears that Mr. Aiuto is presently unemployed and is supported by income derived from a two-family flat, which he owns, in Detroit, Mich. The record indicates that a certificate of naturalization was issued to Mr. Vito Aiuto on May 28, 1912, by the circuit court of Wayne County, Detroit, Mich. It further appears that a certificate of loss of nationality of the United States, relating to the alien, was issued by the American vice consul in Palermo, Italy, in which it appears that the alien expatriated himself under the provisions of section 404 (a) of the Nationality Act of 1940. This section provides that a person who has become a national by naturalization shall lose his nationality by residing for at least 2 years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, if he acquires through such residence the nationality of such foreign state by operation of the law thereof. The effective date of section 404 (a) was postponed by various acts until October 15, 1946. The alien has lost his United States citizenship pursuant to the above-mentioned statutes by having reacquired Italian nationality through the operation of Italian law 2 years after his return to Italy and by his failure to establish residence in the United States prior to October 15, 1946, as required by section 409 of the Nationality Act of 1940. Therefore, to enter the United States for permanent residence, Mr. Aiuto will be required to obtain a quota immigration visa. The Italian quota, to which he is chargeable, is oversubscribed and an immigration visa is not readily obtainable. His record, however, presents no facts which would justify the enactment of special legislation granting him a preference over the many other naturalized citizens of the United States who are similarly situated. Furthermore, the Congress has been reluctant in the past to interfere with the normal functioning of the nationality laws.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

Yours sincerely,

A. DEVITT VANECH,  
Deputy Attorney General.

Congressman Louis C. Rabaut, the author of the bill, submitted the following information to the Committee on the Judiciary of the House of Representatives in connection with the case.

DEPARTMENT OF STATE,  
Washington, February 4, 1952.

Hon. LOUIS C. RABAUT,  
House of Representatives.

MY DEAR MR. RABAUT: The Department has received your letter of January 28, 1952, relative to the case of Mr. Vito Aiuto.

The record in Mr. Aiuto's case shows that he was born in Italy on November 16, 1885, and was naturalized as a citizen of the United States by the circuit court at Detroit, Mich., on May 30, 1912. In 1930 he proceeded abroad to Italy and has continued to reside there. During his residence in Italy Mr. Aiuto made no attempt to assert a claim to nationality of the United States until 1947.

As a result of his residence in Italy Mr. Aiuto reacquired Italian nationality through the operation of article IX (3) of the Italian nationality law of June 13, 1912. He continued to remain in Italy and was residing in that country on October 15, 1946, when he became subject to the provisions of section 404 (a) of the Nationality Act of 1940.

Mr. Aiuto's case was carefully reviewed by the Board of Review of the Passport Division but no basis could be found under which he could be held to have retained nationality of the United States. The evidence of record showed clearly that section 404 (a) of the Nationality Act had become operative in his case.

In the light of the existing record there appears to be no basis for any further administrative review of this case.

Sincerely yours,

R. B. SHIPLEY,  
*Chief, Passport Division.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3071) should be enacted.

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